

Exhibit A

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*Counsel for Standard Plumbing
Supply Company, Inc.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

GARTH O. GREEN ENTERS., INC., *et al.*,

Counterclaim Defendants,

v.

RANDALL HARWARD, *et al.*,

Counterclaim Plaintiffs.

Case No. 2:15-cv-00556-RJS-EJF

**DECLARATION OF JAMES T.
BURTON IN SUPPORT OF
STANDARD PLUMBING SUPPLY
COMPANY, INC.'S REPLY
MEMORANDUM IN SUPPORT OF
MOTION FOR LEAVE TO
SUPPLEMENT THE RECORD**

Honorable Judge Robert J. Shelby
Honorable Magistrate Judge Evelyn J. Furse

I, JAMES T. BURTON, being first duly sworn, depose and say as follows:

1. I am a citizen of the United States, am over the age of twenty-one, and I have personal knowledge of, and am competent to testify as to, the matters set forth herein, and will testify if so called upon.

2. I am an attorney licensed and in good standing to practice law in the States of Utah, Virginia, and Nevada, including before the United States District Court for the District of Utah for purposes of litigating the above-captioned case (the "Action").

3. I am a shareholder at the law firm of Kirton McConkie P.C. (“KM”) in Salt Lake City, Utah, and I am lead litigation and trial counsel for Standard Plumbing Supply Company, Inc. (“Standard”) in this Action.

4. I have prepared this declaration in support of Standard’s Reply Memorandum in Support of Motion for Leave to Supplement the Record (the “Motion”) filed concurrently herewith.

5. On December 6, 2017 at approximately 1:00 pm, I participated in a telephonic meet and confer conference with Joshua S. Ostler, lead counsel for Garth O. Green Enterprises, Inc., Garth Green and Michael Green (collectively, the “Greens”) concerning a discovery dispute.

6. During the course of the meet and confer, owing to (1) Mr. Ostler’s prior assertion that the motion found at docket entry 524 (the “524 Motion”) was Mr. Mumford’s personal motion in response to Standard’s request that the 524 Motion be voluntarily withdrawn, (2) Mr. Mumford’s withdrawal as counsel of record for the Greens during the interim, and (3) the Greens’ December 6, 2017 deadline to file a reply in support of the 524 Motion, if any, I inquired of Mr. Ostler whether the Greens intended to voluntarily withdraw the 524 Motion. To my recollection, Mr. Ostler demurred, stating that he had not yet decided how to proceed despite the fact that the Greens’ reply, if any, was due that same day.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my personal knowledge.

DATED this 9th day of January, 2018.

/s/James T. Burton
James T. Burton

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